

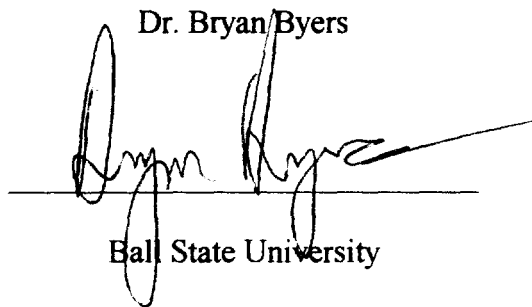
Anderson Police Department Victim Advocacy Program

An Honors Thesis (HONRS 390)

by

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A handwritten signature in black ink, appearing to read "Bryan Byers", is written over a horizontal line.

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PURPOSE OF THESIS

This creative project was a collaborative effort between this student and the Coordinator of the Anderson Police Department Victim Advocacy Program. The manual was designed to assist future employees, volunteers, and interns of the program. When the manual was designed it was done in such a way as to allow for future addition. In this manual there is a discussion of the activities the victim advocates must complete. In some cases, steps are laid out. In the appendices, there are examples of forms and other pertinent information. An index and table of contents is also provided for easy access to information.

**ANDERSON
POLICE
DEPARTMENT
VICTIM
ADVOCACY
PROGRAM**

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INTRODUCTION

ANDERSON POLICE DEPARTMENT VICTIM ADVOCACY PROGRAM

INTRODUCTION

This thesis provided an opportunity for the student to combine all the knowledge of a four year education into a final project. It provided a challenge which this student met through the help of many individuals. This thesis required the student to use information acquired through courses taken to attain a Bachelors of Science in Criminal Justice and Criminology and education gained through experiences of an internship in the Anderson Police Department.

The following is a collaboration between the student and the supervisor of the Anderson Police Department's Victim Advocate Program. The thesis includes all of the duties that a Victim Advocate in the Anderson Police Department is required to complete. It is divided into five sections: an introduction, administrative duties, direct services, community education, and appendices. The appendices include information, brochures, and examples of forms.

This thesis will be used in the Anderson Police Department as a manual. The thesis was designed to assist new employees, interns and volunteers of the Anderson Police Department Victim Advocate Program. The following includes a table of contents and an index to assist in searching for topics. At the end of the thesis, there is a section for the resources used in completing the thesis.

ADMINISTRATIVE

DUTIES

THE VICTIM ADVOCATE

A Victim Advocate is a person who is employed or volunteers to provide assistance to victims of crime. The person can be a victim of a violent or non-violent crime. This advocate is there to provide emotional support, criminal justice information and crisis intervention. An advocate can be based in a police department or a prosecutor's office. Each of these advocates play a different role. An advocate in the police station provides the crisis intervention whereas, the advocates in prosecutor's office provide assistance in court.

The position of a victim advocate is provided in response to the Indiana Constitution and the Indiana Code. The victim advocate programs based in the police departments are established in response to the Indiana Constitution Article 1, Section 13. The victim advocate programs based in the prosecutor's office are established in response to the Indiana Code.

RIGHTS OF VICTIMS AND WITNESSES

The underlying premise of the Victim Assistance Program is concern for the victim. Research indicates that strong support for the victim benefits criminal justice goals. The following list is a summary of many rights that have been advanced in recent years: (A) Victims and witnesses have the right to be treated with dignity and compassion. (B) Victims and witnesses have the right to be informed

concerning the criminal justice system. (C) Victims and witnesses have the right to protection from intimidation and harm. (D) Victims and witnesses have the right to counsel. (E) Victims and witnesses have the right to reparations. (F) Victims and witnesses have the right to preservation of property and employment. (G) Victims and witnesses have the right to due process in criminal court proceedings.

Current Indiana law codifies many of these rights in statutes covering such things as victim compensation, restitution, special population laws. A complete listing of current Indiana victim legislation is kept in the Victim Advocate's office.

WRITING GRANTS

When receiving information about grants, a determination is made if the program goals are consistent with the goals of the grant. Initially, the grant application is reviewed. All information requested in the form must be provided, including an explanation of the focus of the program. A problem statement is written to describe the needs of the community and a detailed explanation of services to be provided by the program to address needs.

Another important part of the application is the budget. There must be an estimation of the total amount needed for the coming year and how this amount will be used. Each item of the budget should support the goals of the grant. If there is a matching requirement, local funds must be designated to meet the requirement. It is

very important to deliver the grant to the funder by the deadline. Before the grant is sent, the signature of the chief and the city controller are necessary. When getting the signatures of these two officials, a copy of the grant is provided for their review.

Information provided must convince the funder of the existing needs and persuade the funder that the program is worthy of financial support. Pertinent statistics, proper English, correct spelling and neat copies are essential.

There are two grants that the Anderson Police Department's Victim Advocate Coordinator applies for: Indiana Criminal Justice Institute Grant and the Madison County Foundation Grant.

Indiana Criminal Justice Institute Grant

According to the grant application, the Indiana Criminal Justice Institute was designated to administer the Victims of Crime Act funding for crime victim assistance programs in Indiana. This grant is due the first of May every year. The application is received in February. The ICJI grant provides continuing support for the program. VOCA and State Victim Assistance Funds are available to ICJI for expenditure during the Federal Fiscal Year award and in the next Federal Fiscal Year (the grant period). Funds that are not obligated by the end of the grant period must be returned to the General Fund.

Eligibility criteria must be met by all victim assistance programs receiving

funds. Each program must: (1) Be operated by a public organization or private nonprofit organization that is sponsored by a public organization, or a combination of such organizations, and provide direct services to crime victims. (2) Demonstrate a record of providing effective direct services to crime victims. (3) Meet program match requirements which are minimum of 20%, cash or in-kind, of the total project's cost. (4) Use volunteers unless ICJI determines there is a compelling reason to waive the requirement. A "compelling reason" may be a statutory or contractual provision concerning liability or confidentiality of counselor/victim information, which bars using volunteers for certain positions, or the inability to recruit and maintain volunteers after a sustained and aggressive effort. (5) Promote, within the community, coordinated public and private efforts to aid crime victims. (6) Assist crime victims in seeking crime compensation benefits. (7) Comply with the applicable provision of the Program Guidelines and the requirements of the ICJI, which includes maintaining appropriate programmatic and financial records that fully disclose the amount disposition of victim assistance funds received. (8) Maintain statutorily required civil rights statistics on victims served by race or national origin, sex, age, and disability, within the timetable established by ICJI; and permit reasonable access to its books, documents, papers, and records to determine whether the recipient is complying with applicable civil rights laws. (9) Abide by any additional eligibility or service criteria as established

by ICJI including submitting statistical and programmatic information on the use and impact of victim assistance funds. (10) Provide services to victims of Federal crimes on the same basis as victims of State crimes. (11) Provide services to crime victims, at no charge, through the victim assistance funded project. Any deviation from this provision requires prior approval from ICJI and OVC. (12) Maintain confidentiality of client-counselor information, as required by State and Federal law.

Madison County Foundation

This grant is a one time grant for specific projects. The Madison County Community Foundation seeks to make grants in response to community needs for arts and culture, education, health, human services, economic development and civic affairs. The Community Foundation welcomes grant applications from non-profit organizations whose programs benefit the residents of Madison County.

ADMINISTERING GRANTS

Once the grant is approved, a voucher must be submitted by the Coordinator on a regular basis to the funder, who then issues a check to the city of Anderson. The City Controller should be informed by the Coordinator of the distribution into the account designated for the victim advocacy program and the general fund. The general fund is reimbursed for salary expenditures. A requisition for all other expenditures (i.e. seminar registration fees) must be given to the controller so a

check can be issued from the victim advocacy program line item.

QUARTERLY REPORT

Each quarterly report covers a three month period. The pattern starts with January and goes through December. The first period is January to March, second period is April to June, the third is July to September and the fourth is October to December. The report is due within 30 (thirty) days of the end of the quarter.

One purpose of this report is to inform the funder of the program activity during the quarter. The report reflects the goals of the grant. If this report does not include the activities specified in the grant, then a reason must be given.

The second purpose is the financial report. Include the money that has been spent and the purpose of the expenditure from the grant and any other matching funds. All of the figures must balance.

ANNUAL REPORT

The purpose of this report is to inform the police department of the activities of the program. All of the programs in the police department must submit this report. Combine information from each quarterly report and a brief summary of the program over the past year.

HIRING AND SUPERVISING

Volunteers and Interns

The Coordinator screens and supervises applicants for volunteer and intern positions. All volunteers must first fill out an application. A criminal history check is made on all volunteers. The volunteer must supply three references that must be contacted by the Coordinator. The volunteer must also complete the INVOLVE training and on the job training before becoming active. Volunteers must also participate in an interview with a Coordinator of one of the agencies. The participating agencies include the Prosecutor's Victim Advocates, the Sheriff's Department's Victim Advocate, Operation Appropriate Response, Alternatives Incorporated and the Anderson Police Department's Victim Advocate.

Employees

Any new position that is being added must first be approved by the city council. To do this there must be a proposal written for the new position. In this proposal there has to be a justification for the addition of the extra personnel. Once the position is approved, applications are accepted. There will be a committee of interviewers to conduct the interviews and recommend a candidate to fill the position. The chief will either approve or reject the candidate.

The Coordinator is responsible for scheduling the work hours of the employee and adding the time sheet. Another concern is that the volunteers and

employees are made aware of and given the opportunity for continuing education in victim advocacy and related fields. (See Appendix B for Position Descriptions)

ASSIGNING CASES

There are a three of ways that the Victim Advocate office receives reports. The officers or sergeants place some reports in a folder provided in the Uniform Sergeant's office. The advocate can also obtain reports from the detective's area in which the reports are organized by day of the week and by offense. The advocate can also obtain a report from records if the advocate has the case number. The reports from the detective area and from records must be copied.

The first step that must be done with the report is to update the alphabetical card file. Every victim has a card under his or her name. If the victim does not have a card on file, then a card must be made. The card must include the victim's name, the date of birth, the social security number, the gender, the race, the date of the incident, the type of incident, the name of the suspect and the case number. If there is already a card on file the most recent incident should be added.

After the card file has been updated previous reports for the victim should be pulled and added to the back of the most recent report. Once the report has been stapled and all activity has been completed on the case the reports are filed according to the last report date. This is done until the number of cases becomes too large, which is typically three or four reports. After this, a file should be made for

the victim. When a file is made it should be noted on the card by writing in red "file". These individual files are filed alphabetically.

When reviewing cases, a decision must be made of the appropriate response by the advocate. The history of both victim and suspect is considered, the facts included in the report, and a check on the computer for any other reports that are not in the victim advocate office. There may be previous reports involving the suspect with another victim, or previous reports of the victim and a different abuser/abusers.

The case is then assigned to a victim advocate for follow-up. The Coordinator and advocate discuss the case and determine the appropriate action. A home visit might be conducted, a letter sent, or a telephone call made. Weekly reviews of current cases will be done. The Coordinator decide, if the action taken was sufficient or if more follow-up is needed and communicate that to the advocate. If after review all appropriate action has been taken, the case is filed with the other reports.

MEMBERSHIP

There are several professional organizations in which the Coordinator has chosen to become involved.(For specific information for certain groups see Appendix C) The selection is made based on 1.) personal and professional development of the advocates, 2.) time available to attend meetings. Organizations

in which the victim advocates currently participate:

Organizations

Local

***Mayor's Commission on Domestic Violence**

Appointment to the Commission is made by the Mayor. Fifty individuals meet monthly to coordinate community efforts to eradicate domestic violence. Advocates are also on the justice committee.

***Sexual Assault Coalition**

This group meets monthly to address issues regarding sexual assault.

***Project Haven**

This a coordinated effort between Community Hospital and Alternatives Incorporated. This organization was formed to educate hospital personnel on domestic violence.

***GAP**

This is the Guardianship and Advocacy Program. Persons from different agencies meet to review cases of endangered adults that require a coordinated response.

***TRIAD**

This is a group of senior citizens and law enforcement personnel working together to protect the seniors citizens of the community from crime.

***Madison County Crisis Response Team (MCCRT)**

This group provides crisis intervention for groups of people who have been involved in a crisis situation.

***ACCIST**

This is the Anderson Community Critical Incident Stress Team. This group provides crisis intervention for first responders.

***CottageView Children's Center**

This is a center provided for children to be interviewed by the various law enforcement and Child Protective Services. The Coordinator is involved with the Board of Directors and the Program Committee.

***Survivors of Homicide**

This is a support group for families of homicide victims. The Coordinator is one of the facilitators for the meetings.

***Community Services Council**

This group has monthly meetings where many social service providers from the county come to share information about the services that they provide.

***Child Trauma Team**

This team is responsible for responding to child abuse cases that fit specific criteria.

***Victims Rights Week Committee**

This committee plans the activities for Victims Rights Week.

State and National

***IVAN**

Indiana Victim Assistance Network

***INCASA**

Indiana Coalition Against Sexual Assault

***ICADV**

Indiana Coalition Against Domestic Violence

***NOVA**

National Organization for Victim Assistance

***MADD**

Mothers Against Drunk Driving

OFFICER TRAINING

The Coordinator has been involved in training police officers. The Coordinator assists Detective Dale Koons with the state mandated domestic violence training. Staff from Alternatives, Incorporated and mental health professionals are invited to provide training.

STANDARD OPERATING PROCEDURES

The Coordinator assisted in writing the standard operating procedures for the Victim Advocate Program, and assisted in writing the Arrest policy for domestic battery cases. The Coordinator is consulted for input regarding policies and procedures that affect victims.

RESEARCH

The Coordinator researches and prepares a Directory of Social Services that is provided to dispatch, to the substation, and to the front desk. This directory assists others in the police department when the victim advocate is not available to make referrals. The Coordinator updates this directory with the correct addresses and phone numbers. It is important to inform other agencies regarding police department and the victim advocate services.

Victim/Witness Assistance Analysis

The Coordinator is also responsible for preparing a victim/witness assistance analysis. Prior to the end of January in each even numbered year the department will conduct an analysis relative to the victim/witness assistance needs within the City of Anderson, and the available services to meet those needs. The analysis may be done in cooperation with one or more other service providers. The analysis should ultimately result in a list of victim/witness services that the department can provide

without duplicating the efforts of other victim/witness services in the area.

The analysis includes the following elements: (A) A summary of the major types of victimization and their frequency of occurrence; (B) An inventory of information and service needs of victims/witnesses in general and special victims, such as those victimized by domestic violence, abuse and neglect, sexual crimes and drunken drivers; (C) Victim assistance and related community services available in the area; (D) Identification of all unfulfilled needs and the selection of those that are appropriate for the department to meet.

The Coordinator of the Victim Advocacy Program will be responsible for the analysis of the Victim Assistance Program.

BROCHURE

The Coordinator composes the brochure and updates the information as needed (See Appendix C for an example). This office provides a supply to the lobby of the police department and to the hospital emergency rooms. The victim advocates distribute the brochures when speaking to community organizations.

POLICIES

The department will ensure the confidentiality (for copies of the policies see Appendix A) of victim/witness information and their role in case development to the

fullest extent possible consistent with applicable law. Information may be released as outlined in General Order 95-11, News releases and Public Information, if not addressed in General Order 95-11. According to the order, the identity, statements of victims/witnesses, and/or information about the investigation will only be disseminated: (A) To law enforcement and court personnel with a bona-fide reason for requesting such information. (B) To the victim upon request. (C) To relatives of the victim, i.e. parent, spouse, sibling, etc. when the victim is either deceased, a juvenile, incapacitated, or unable to obtain the information himself. Exception: In a situation where the relative is the offender in the incident. (D) In response to court orders/subpoenas, that are legally obtained and properly served. (E) As authorized by the Chief of Police.

LIAISON WITH OTHER AGENCIES

The Victim Advocacy Program of the Anderson Police Department maintains ongoing communication and liaison with other agencies and with other organizations concerned with victim/witness needs and rights. The Victim Advocate coordinates efforts with other agencies to ensure: (A) The facilitation of the criminal justice process through the victim's positive and active involvement with and access to the criminal justice system. (B) The avoidance of the re-victimization of the victims by the agencies entrusted to aid them. (C) The referrals of

victim/witnesses to outside sources based on accurate knowledge of services available. (D) The maintenance of quality services based on ongoing communication with outside sources.

STATISTICS

This office must keep statistics on the totals of services provided. This statistics are used when writing the grants. The statistics are compiled by the services provided and to whom these services were provided.

DIRECT SERVICES

WARRANTS

The advocates track some current warrants and a list that is kept in the office and on the computer, file name, WOW. Priority is given to warrants for domestic battery and for invasion of privacy. Warrants are tracked when issued by the court and when the paperwork is received in dispatch. The advocate contacts the victims to let them know when a warrant is received. This allows the victim to notify the police of possible locations where the suspect could be found in addition to the address on the warrant.

This office periodically supplies a list to the supervisors of the uniform division requesting service of the warrants. Warrants on this list includes those where the victim is having continual problems with the perpetrator, the risk of further violence is great, the victim has complained nothing was done, etc.

This list is titled, "Lessa's Ten Most Wanted List" and includes more than ten warrants. The list is also posted in the roll call room, and updated on a monthly basis.

CRISIS INTERVENTION AND EMOTIONAL SUPPORT

A victim advocate is on call 24 hours a day, seven days a week. The advocate must have with her a pager at all times. The advocate must also provide dispatch her home phone number. If the advocate is going to be out of town for any amount of

time, she must notify dispatch. Dispatch will first contact the Coordinator who will decide if she will respond in person, call for the assistant, or call a volunteer. The individual who will respond is communicated to dispatch, who will notify the officers on scene. In special circumstances the victim or officer can request a certain advocate.

Definition:

Crisis: a threatening experience which seriously disrupts a person's psychological and social functioning. The threat, which may be real or perceived, arises from the person's failure to cope adequately with an event that is generally outside the range of daily life experience. A principal factor of crisis is an imbalance between the difficulty and importance of the problem and the resources immediately available to deal with it. Crises are short term.

A Good Advocate:

- 1) Always has Kleenex in his/her pocket
- 2) Passes out vitamin "M" (M&M)
- 3) Is Flexible--be yourself, but at the same time, observe the environment and fit in.
- 4) Is not prejudiced (or is aware of prejudices and overcomes them in order to deal with the situation at hand and separate the victim from

your prejudice)

--life style: dirty, uneducated, naked dancer or prostitute, AIDS

--alcohol/drug abuse, previous charges

--welfare, ADC, food stamps

--handicaps

--nationality, race

--sexual preference

- 5) Is genuine and authentic, even if you do not believe the victim, suspicions will be answered later.
- 6) Spend enough time with the victim to allow tension and shock to subside to a level where problems can be dealt with. Allow four hours for a call--some take less, some more.

WHEN YOU ARRIVE

- 1) Get as much information as you can about the situation. Be sure the police officer knows who you are and he/she will brief you. If you are called to the hospital emergency room, you may speak either to the police officer or sometimes the nurse can fill you in. When responding to a major crime scene the victim advocate will contact the log officer and will be briefed at outer perimeter by on scene supervisor. The protocol for entering a scene for a victim advocate is to first find out who is in charge of the scene and not to enter until permission is given by this person. This permission will probably be given after the lab has collected all

evidence. The victim advocate will contact CID supervisor or lead investigator before releasing case information. (See Appendix B for Major Crime Scene Procedures)

2) The officer or nurse may introduce you to the victim, or you may need to introduce yourself. Explain your role. "I am here to see what I can do to help you get through this hard time." Realize that you may be rejected sometimes. If so, back off, but stay around for a while. The victim may change his/her mind, or the officer may request your assistance. Also, there may be other family members who could use your assistance.

3) Sometimes there are multiple problems. You may need to ask "what is your most immediate problem right now?" Most immediate problem may or may not be obvious. For example, a rape victim may be more worried about her children coming home from school and no one at home to let them in than arresting the rapist.

4) Try to get rid of distractions. Too many people in the room, television, children bouncing off the walls, etc. can hinder making the connection you wish to make with the victim. However, you may not have control over this. In the emergency room there may be doctors, nurses, X-rays technicians, people to draw blood, etc. in and out of the room.

5) Simple things help a lot: suggest victim sit down, drink water, BREATHE. You may need to breathe with the victim to keep him/her from hyperventilating.

CRISIS INTERVENTION IS NOT:

1) Rescue--we cannot protect victims from experiencing pain, we can help them cope.

2) "Fixing" circumstances or people. Don't try to cheer up--instead, validate feelings and offer hope.

3) Don't panic; don't lose control of yourself. Be aware of your own feelings. A tear is ok. Possible debriefing for first responders (including victim advocates) after crisis is over.

4) Don't judge or blame. Don't increase the trauma--don't ask "why?"

5) Don't give advice; don't rob the victim of the right to make choices, don't become like the abuser. Do offer alternatives. The good part of a crisis is that this may be the opportunity for change that needed to happen anyway. Allow the victim the right to self-determination. This may be hard for you when a battered woman chooses to stay in an abusive relationship.

6) Don't lecture. Do educate the victim to make better informed choices for him/herself.

7) Don't say "victim" in their presence. "Client" is ok.

8) If victim is being comforted by other family, friends, clergy, take a back seat and wait. However, you may need to intervene if you observe the victim being pushed into choices he/she is not comfortable with. Gently try to get the victim alone so you can express your concern: "I'm wondering if it is really your preference to go home with grandma when you leave here, or if you would rather go to your own home. I would be happy to explain to grandma that you really need some time alone right now and you will come see her later when you are ready."

CRISIS INTERVENTION IS:

Assisting the victim in restoring his/her mental and emotional equilibrium in order to take care of him/herself. Assist the person in moving from victim to survivor. Remember that healing is a process. We can assist in that process without making the victim dependent on us. Don't keep victims "victims" through the reinforcement of this status.

SAFETY

If on the phone ask "are you safe?" "Do you need the police?" "Is there a safe place you can go?" "Would you consider going into shelter at this time." If the victim expresses concern over going to a shelter, explain services provided and

describe the facility. They sometimes have a preconceived notion that it is a dark, scary place where their children would be taken away. Ask “are you injured?” Sometimes victims do not realize they are bleeding or injured in some way and need to stop and assess themselves.

If at the hospital, assure the victim he/she is safe. This is important because sometimes people are so traumatized they do not know for sure where they are. A warm blanket around the victim can give a sense of safety and security. Also adults, as well as children benefit from clutching a teddy bear.

If at the scene, victim may need to be removed from the scene. Be sure to check with the officer before suggesting this, the victim may be need to identify suspect or give more information. **Anywhere it is okay to ask, “what do you need to feel safe?”**

Give information on where to buy pepper spray, but **never** suggest a weapon. The advocate may need to assist the victim or their family in the separation of acting on intense feeling of revenge or allowing the police to handle the situation. Bring them back to reality.

BREAKING THE ICE AND BUILDING TRUST/RAPPORT

After an advocate has introduced himself/herself and explained an advocate’s role, he or she may say, “Sounds like you have had a rough night.” This line will

usually open the door to begin a conversation.

Remember that an advocate is an “intrusion,” welcome, or not. Be there in the least intrusive way possible. An advocate should back off if he or she is unable to make a connection. It is difficult to strike up a conversation with someone unknown, especially under dire circumstances.

Ask the victim what he/she is usually called. They may have a nickname they prefer used instead of the name given by the police officer.

Speak softly, but loud enough for them to hear. Space words and sentences. Information does not register as quickly as usual for people in crisis. Don’t hurry the victim. Through words and actions, let the victim know that being there with them is the most important thing at that time. An advocate should be comfortable with himself or herself. If the advocate is not, the victim will sense this and react.

REMEMBER THAT SILENCE IS OK

Silence gives clients a chance to sort out thoughts and feelings. Clients may have related something heartwarming, tragic, shocking or frightening, and both persons feel the need to absorb it to the depths in mutual silence. The client may not be ready to reveal his/her thoughts and feelings; don’t interpret this as a personal rejection.

VENTILATE

Don’t interview about the facts of the case--police officer will ask those

questions. Occasionally, an advocate may assist if he/she thinks the client did not understand the question. Sometimes children do not know the correct names for body parts and male officers are embarrassed to ask a teenage girl if the man who attacked her ejaculated. Experienced advocates will know when it is ok to help ask questions, but as a general rule, don't.

If a client is not expressing feelings, you may say (not during the interview with the officer), "I'm wondering how you are feeling about that." This is a good open-ended question. Let the client know you are ready to hear anything he/she wants to tell you. AND it is also ok if he/she does not want to tell you anything.

VALIDATE

Feelings are neither right nor wrong. Victims will sometimes make statements to get your reactions. Don't act shocked. Especially with children, show genuine concern, but not shock. Help victims label their feelings.

GUILT AND SELF-BLAME

"It wasn't your fault. Nobody asks for that."--a good line, but timing is important. Victims are usually the first to blame themselves which is an attempt to get control, i.e. "If I hadn't accepted a ride with that guy I just met, this never would have happened." Wait for them to make some type of statement that sounds self-

blaming, rather than assume they do. An advocate may talk about unwise choices (an advocate will encounter many victims who have made very unwise choices). Remind them that none of us has a crystal ball to predict the outcome of our actions.

It is better to identify unwise behavior than have the victim feel the shame that “this happened because I am a bad person.” Because there are people in the world who will take advantage of us when we are vulnerable, it is necessary to take precautions to reduce our risk of being victimized. This is reality.

PREPARE-gently

“You may be surprised to see the sun come up in the morning and look outside and see your neighbors going about their usual routines, going to work and school.”

“Life will always be different. Things will never get back to normal as you knew it to be before ____ happened. But you will find a ‘new normal’ and you will not always feel this bad.”

PREDICT

Explain some reactions to trauma that people have. Let them know these are common in the situation they have experienced.

Physical Reactions

Shock, numbness, frozen, fright, fight or flight, adrenaline, heart rate, hyperventilation, body relieves self, slow motion, dehydrate mouth, and senses become very acute.

Emotional Reactions

Shock, disbelief, denial, fear, terror, confusion, frustration, out of control, guilt, grief, loss of trust, faith identity, selfish and unpredictable.

REHEARSE

Talk about a safety plan for leaving an abusive husband. As the client talks about steps to be taken, have them visualize actually doing it in their minds. Leaving is a process, talk and test the waters.

REASSURE

Whatever the client's decision, tell the client that "I am here and I care about you." "I respect your decision." "I worry about your safety" (if a woman returns to abusive husband). "I truly hope it works." "I cannot take away the pain--but I care."

Be clear on your own boundaries. Don't get over-involved. Don't lend money--okay to buy sandwich or coke. Don't take them home with you. If there is a

need, there surely is a program that the victim can be referred to. Don't get sucked in--some people will use you up.

ANTICIPATE THEIR NEEDS

They may need a ride home. Do this only if you are comfortable with it. If not, let the police officer or someone else take them home. Offer to phone the victim's minister, family, best friend, or spouse. Provide cold drinks for the victim. Water restores lost body fluids and has a calming effect.

If you are aware a client is an alcoholic, encourage them to stay in touch with their sponsor, go to extra AA meetings, whatever it takes to avoid relapse. Listen for statements like "everything would be better if I wasn't here anymore." You may ask them some questions to determine how serious they are about suicide. If you think there is a danger, notify someone: officer, doctor, and/or family member.

Hugs--say, "Looks like you could use a hug." Then listen to their verbal response and body language. Some people are very uncomfortable with hugs.

Remind client that at the point of crisis very few decisions need to be made immediately. "Don't make any more decisions than absolutely necessary. Concentrate on what needs to be done the next few hours instead of what you are going to do the rest of your life--that is too scary and overwhelming."

SHOULD I SHARE MY STORY?

Many advocates are also victims. As a general rule, it is probably best not to share. It is ok if there is a good reason. Before sharing ask yourself, what do I wish to accomplish? It may give the advocate credibility and lets the victim know that the advocate has been down a similar road and has an idea how they feel. REMEMBER: they may not feel the same way in a similar experience.

If you do decide to share your story, they may have questions. It is okay answer these questions. However, DO NOT DWELL ON YOUR EXPERIENCE.

CRIMINAL JUSTICE INFORMATION

Never promise anything from the criminal justice system. Say, “there are no guarantees.” Do not lead a victim to expect an arrest, but at the same time do not discourage them. Some victims do not have much faith in the criminal justice system to begin with and we do not want to destroy what is left. Many cases are weak from the beginning and become prosecutable as the investigation progresses. But even the strongest ones may hit a snag and not get charges. An advocate cannot predict the path a case will take.

An advocate should not make any promises that, he or she cannot keep for sure. It is devastating for a victim to be told that something will happen or someone will do something and that thing does not happen. It is ok to say “we will do our

best.” Or say “many times in cases like this such and such happens, but I cannot say for sure.”

Do not answer any questions that you do not know the answer for sure.

Victims feel betrayed if they are given information that turns out to be false. If you don’t know the answer say, “I don’t know, but I would be happy to find out.” Then find out the information and get back to the victim in a timely manner.

PROTECTIVE ORDERS

Protective orders (see Appendix A for example) are not for everyone. The victim must first make sure that this is the appropriate next step. The victim should not proceed until he/she is really sure this is what he/she wants to do. The victim does not have to first file a police report. If the victim does file a report and requests a copy of the report from the police department front desk, it will cost \$3.00 and he/she will only receive the front page of the initial case report.

The first step for the client is to go to the Court Administrator’s office on the fourth floor of the Government Center. The client asks one of the employees in this office for the protective order form and if the client wants the fee waived he/she must also ask for the fee waiver form. The client will also receive an instruction sheet. This process of getting the protective order is an extensive process. It seems that it is a run-around. Based on the information provided by the client/petitioner,

the judge makes the decision to approve or deny the protective order. The client must be aware of the fact that just because he/she asks for the protective order and waiver that doesn't mean that it will be granted.

After the client has filled out the forms and attained the appropriate seals and signatures he/she will receive a temporary protective order. This is a valid order. The respondent will receive a copy by certified mail or delivered by the court bailiff. Advise the client to keep a log of problems with the suspect. Violations such as vandalism, harassment, etc. should be reported to the police. Repeated phone calls should be documented by the petitioner for possible charges and future use in court. If the respondent violates the temporary order after it is issued, police may make an arrest for invasion of privacy. However, if there has not been sufficient time for service, the police officer may serve the protective order and advise the respondent of a possible arrest if there is a further violation.

Before the petitioner/client leaves the Government Center a hearing date will be scheduled. It is imperative that the client returns for the hearing. If the client does not show, the protective order will be dropped and, if the fee was waived, will be assessed the fee. Ask the client to notify the advocate of the court date so that an advocate can accompany the client to court. An advocate can not act as an attorney, but can be there as support. When the client goes to court, the respondent may also be there. Both sides will be given the opportunity to testify. The petitioner will

testify first and then the respondent. Prepare the petitioner, that sometimes respondents lie. It is important to remain quiet and still. If the petitioner interrupts verbally or begins to gesture during the respondent's testimony, the judge will view this behavior negatively.

If the protective order is granted, it is valid for one year. If the order is not granted, the client can still call police if he/she continues to have problems. If the respondent continues to harass the client and the police are called again, he/she can return to the court and ask for the protective order again. Either way, make sure the client stays in touch with the advocate and the police if having continuing problems.

COMPLAINT

If the police department is not going to follow through to request charges, the client can go to the Prosecutor's office and fill out a complaint requesting charges after a police report has been made. A complaint (see Appendix A for example) can only be filed by individuals for misdemeanors. Information is gathered by investigators in the Prosecutor's office. The information is then reviewed by a deputy prosecutor to decide on formally filing charges. The victim is then informed by mail of the decision.

RULE TO SHOW CAUSE

This form (see Appendix A for example) can also be obtained in the Court Administrator's office on the fourth floor of the Government Center. This form is filed for protective order violations. This will produce a summons ordering the respondent to come to court and explain his/her actions to the judge. The judge may find the respondent in contempt and possibly order time served in jail.

SMALL CLAIMS

Small claims (see Appendix A for example) proceedings are handled by the two County Courts in Madison County. There is a limit of \$3,000 on claims and counterclaims. Attorneys are permitted, but are not required for this hearing. The client can sue for money owed or possessions. There is a \$35.00 filing fee. There is a statute of limitations of two years for personal injury and damage to property and six years for contracts, accounts, real estate, and landlord/tenant issues.

The small claims process consists of the filing of the claim, the pre-trial conference, the trial, judgement, collection of the judgement, and appeal. Filing of the claim consists of providing a brief description of the claim or counterclaim. The client must have accurate names and addresses for service of process. The \$35.00 filing fee may be recovered. The staff of the court administrator's office can answer questions about the claim form, but cannot give legal advice. The pre-trial

conference is an informal meeting between parties in a conference room. This provides an opportunity to settle the case out of court. This can be waived if attorneys are involved. There is a default judgement or dismissal of the claim if there is non-appearance. For the trial, there must be subpoenas for all witnesses. The client must dress appropriately. All parties and witnesses must testify under oath.

The next step is the judgement. The judge may enter a judgement immediately. He may also take the case under advisement and rule at a later time. The judgement is enforceable for ten years. There can be a lien on real estate. There is an eight percent interest per year. The court is a collection tool, not a collection agency. If the debtor does not pay, then he/she is in contempt of the court. If no arrangements to pay are made, then Proceedings Supplemental is the next step. In a Proceedings Supplemental, the defendant is ordered to appear in court. Contempt can mean jail, fine or both. Garnishment is a possibility if the defendant is employed.

CASE MANAGEMENT BY ANDERSON POLICE DEPARTMENT

First the report is given to the uniform officer. The officer either types the report or enters the report on the Dictaphone to be typed later by a transcriptionist. The report is then reviewed and signed by the uniform sergeant. Copies of the report are sent upstairs to the detective division. The report is then reviewed again by a

detective sergeant and a determination is made whether to assign the case to a detective. The detective then receives a copy and begins the formal investigation. There is an attempt to interview the victim, witnesses, and the suspect. This part of the process can be explained to the victim as a jigsaw puzzle. The detective's job is to put all the pieces together to complete a picture of what happened to present to a judge and jury. Some pieces are always missing, but we try to at least have the best picture possible to present. None of us wants to get to trial and lose the case, so it is important to do a thorough investigation. This may take a significant amount of time and this explanation helps victims deal with the fact that perpetrators are not always arrested right away. (See Appendix B for organizational chart)

Forms

Some important forms during this process are the redliner, the supplement, the victim incident report, and the medical release forms. (See Appendix A for examples of all of these forms) The redliner is the top page of all case reports. This page includes the victim's information, the suspect's information, the witness information, and the offense information. Some other important information on this page is the case number and the case status. The case number is located in box #2 in the upper right hand corner. The case number is a nine digit number.

Example: 503980001

In this case number the number

5=the number of years using the new numbering system

03=the number of the month of the report (March)

98=the last two digits in the year of the report (1998)

0001=the number of the report during that month

The case status is located at the bottom of the redliner and contains information on the current status of the report. The supplement is the narrative part of the report. More than one officer can supply a supplement for the case. All supplements for the same case will contain the same case number in the upper right hand corner.

The Victim Incident Report is a form that is filled out by victims of domestic battery. The officer will fill out most of the form by asking questions of the victim. After the officer has finished filling out the report, the victim is asked to initial by all actions that apply to his/her case. The medical release form allows the detectives to obtain information from the treating hospital about treatment provided to the victim concerning the incident. There are separate forms for Community Hospital and for St. John's Hospital.

After all the information is gathered by the detective, a decision is made to either suspend the case or forward it to the prosecutor for review. If there is probable cause, the prosecutor will request charges. At this point a magistrate hears the probable cause and approves the charges and issues a warrant, if an arrest has not already been made.

Appellate Courts

The appellate court reviews the trial court proceedings for legal errors. The appellate court ordinarily does not review the evidence or resolve factual disputes.

Victim Advocates

There are several victim advocate agencies in Madison County. In addition to the advocates at the Anderson Police Department, there are advocates in the Sheriff's Department, the prosecutor's office, Community Justice Center, the Department of Corrections, and at the appellate level.

CIVIL VS. CRIMINAL LAW

This is a very important concept that many victims have trouble separating. The advocate can assist by explaining that both of these are courts systems, but each specializes in different issues. Explain that the police department with crimes only. If a civil issue arises the the client must initiate this on his or her own. An analogy of a doctor specializing in a certain part of the body may make it easier for a victim to understand. The advocate may give information on how to file for such things as a small claim. The advocates can also refer the client to Legal Services of Indiana, which specializes in representing lower income clients with civil matters.

TERMINOLOGY

Bail:

To procure the release of a person from legal custody by promising that he or she shall appear before the court at a time and place designated by the court.

A sum of money is promised to secure his or her appearance in court.

Charge:

An allegation that a specific person has committed a specific crime.

Complaint:

A formal written statement made by any person, often a prosecutor or a victim, and filed in court to charge a specific person with committing a specific crime.

Count:

Each separate offense listed in a complaint, information or indictment accusing a person of committing a crime.

Defendant:

A person who has been formally charged with committing a crime.

Felony:

Generally serious crime punishable by one year or more.

Guilty plea:

A formal admission by an accused that he or she committed the crimes charged.

Misdemeanor:

A crime less serious than a felony which is punishable by imprisonment for less than one year.

Perpetrator:

A person who commits a crime.

Probable Cause:

The degree of proof needed to lead a reasonable intelligent and prudent person to believe that the crime was committed and that it is probable that the accused committed it. Probable cause is necessary for an arrest and subsequent prosecution.

Subpoena:

A written order by a judicial officer requiring a specified person to appear in a designated court at a specific time and place in order to serve as a witness in a case.

Summons:

A written order by a judicial officer requiring a person accused of a criminal

offense to appear in a designated court at a specific time and place to answer the charge.

Suspect:

A person who is believed by criminal justice officers to be one who may have committed a specific crime, but who has not been arrested or formally charged.

CASE STATUS INFORMATION

Let the victim know he/she can call the victim advocate for case information for misdemeanors or felony cases. For felony cases, the detective handling the case may also be contacted for information. If the advocate has knowledge of sensitive information, it is wise to get permission from the detective before sharing that information with the victim.

SHALL ARREST POLICY

At Scene Arrests:

1. An officer shall arrest when there is Probable Cause that the person has committed a felony or misdemeanor battery that has resulted in bodily injury, even when the complainant/victim does not want the offender prosecuted or indicates reluctance to prosecute. Dual arrests may be

necessary in some instances where the victim/aggressor cannot be determined.

2. The officer shall arrest when any other misdemeanor is committed in his/her presence and the complainant/victim wants the offender arrested.
3. The officer shall arrest when there are valid warrants on file for either party.
4. An officer should arrest after he/she confirms that the Anderson Police Department is in possession of a valid protective order or a valid temporary restraining order and the officer has probable cause to believe that the order has been violated. This should make the arrest Invasion of Privacy, a class B misdemeanor.

NO DROP POLICY

The Prosecutor's office maintains a "no-drop policy" for domestic violence cases by the avoidance of entering into conditional deferrals and will seek to obtain convictions as an optimum result. The prosecutor's office will follow through with every arrest for domestic battery. The Prosecutor will not drop a case due to the reluctance of the victim to cooperate.

FOLLOW-UP CONTACT

HOME VISIT

Anderson Police Department advocates make every effort to attempt a home visit after every domestic battery arrest. This is done especially if this is the first arrest. In-person contact is very effective. Home visits allow the advocate to get to know the victim better and to get a feel for the atmosphere in which the individual lives. When making a home visit, the police department car designated for the program should be used.

Before making home visits, there should be a review of all information that the police department has and a determination made of any dangers that may be present. If it is too dangerous, the advocate should not attempt the home visit and make contact through other means. Before getting out of the car, the advocate radios to dispatch of the location where the home visit will take place. The advocate should wait for dispatch to respond.

Before entering the home: (1) Study the area before stopping if it is a new area. Drive past it once and go around the block to check it out. (2) Familiarize your self with nearby emergency resources such as substations or fire stations. (3) Be aware of the surroundings before you get out of the car, such as dogs. (4) Be alert and trust our first instinct and ACT ON IT. (5) Park the car in a well-lighted place that will allow easy exit if needed. Lock the car when leaving it. Carry your

keys in your hand. (6) Do not walk through a crowd. (7) Walk with confidence, as if you could conquer the world. (8) If someone grabs property from you, let it go. Depart the area as quickly as possible and return to the police station. (9) In a potentially threatening situation, remain calm, speak softly and deliberately, and leave the area as quietly and quickly as possible. Do Not Panic.

During the home visit

Be aware of others in the household, where the exits are , and attempt to position yourself close to an exit. Clear the corners, put your back to what you know and face what you don't know. If you know an area is safe, such as a wall, then have your back to this area. If there is a hallway or doorway, face this area. Do not attempt to break up any domestic arguments. The situation can turn very quickly on you. If you begin to feel uncomfortable regarding your safety for any reason, make an exit in a non-threatening manner. Say you forgot something in your car, set your pager off, or find some excuse to leave the home.

Dealing with dangerous clients in the office or field

1. Appear calm and relaxed--not afraid or unsure of yourself. Do not SHOW fear. Do take needed precautions.
2. Relax your body posture--don't sit rigidly.

3. Speak softly in a well modulated voice--no shrill, loud, rapid fire, bossy, arrogant, or uncaring speech.
4. Acknowledge feelings and attempt to diffuse anger verbally--DON'T TOUCH, even in a friendly, caring manner; don't threaten his or her space.
5. Talk to the anxiety the client has rather than the anger.
6. Be very matter-of-fact if the client becomes agitated. Don't make demands, threats or issue orders. Don't patronize or be too friendly.
7. Keep a good physical distance--don't corner the client physically or psychologically.
8. Be alert to the client's eyes, posture, mannerisms and body movement.
9. Allow for an exit for yourself and leave if you fear for your safety. Don't turn your back and leave too abruptly.
10. Allow the client to maintain his/her dignity.
11. Do not make false statements or promises you cannot keep.
12. Do not attempt to discuss complicated information with an agitated person. Do not add to their frustration.

LETTERS

When sending a letter make a copy and attach to the report as documentation of the contact. (See Appendix B for examples)

PHONE CALLS

Leave a message if there is no answer and remember to leave your name, where you are calling from and the reason for the call. When doing home visits and phone calls make sure that they are well documented. Include the date, time, if anyone went with you, any referrals made, and a brief description of the conversation or action taken. Attach the documentation of the contact to the copy of the case.

MEETING WITH THE VICTIM AND DETECTIVE

After the case is assigned to a detective for investigation, the advocate briefly discusses the case with the detective and offers to schedule an appointment with the victim for a formal interview. The detective will provide possible dates and times that he or she is available. The advocate will then contact the victim and attempt to schedule the appointment at a time that is convenient for him or her. In the situation, where the advocate has established a rapport with the victim, he or she may feel more comfortable coming to the police station knowing the advocate will be present.

The advocate and the detective work together to obtain the statement without “re-victimizing” the victim. Even small acts will help. For example, the advocate may get coffee or a cold drink for the victim. The advocate should make sure there is a supply of Kleenex due to the fact that many victims become emotional when

talking about their experience. A female victim may feel more comfortable with a male detective if a female advocate is present. This is especially true for cases of sexual assault. The advocate should take all precautions, when the suspect is also in the building, that the victim does not encounter the suspect.

The advocate attempts to keep the victim apprised of the status of the case. Because of the overwhelming number of cases, it is difficult to maintain contact with every victim. Therefore, victims should be given phone numbers so they may call to elicit information about their case.

REFERRALS

Social Services

A comprehensive Social Service Directory is maintained in the victim advocate office. A condensed version of this directory is provided to dispatch, the front desk, and the substation. The advocate should be familiar with the social service agencies, the services they provide, contact names and phone numbers so appropriate referrals can be made as needed.

Criminal Justice Agencies

Advocates should be familiar with the other criminal justice agencies. They should also be familiar with the role each plays in the criminal justice system. Advocates may refer victims to advocates in the other criminal justice agencies.

VICTIM COMPENSATION FUND

The advocate shall provide victims of violent crimes information regarding the Victim Compensation Fund. The advocate will provide the victim with the form (see Appendix A for example) and an information brochure. The advocate will also help the victim in filling out the form, compiling the necessary paperwork such as bills, and a copy of the police report. After gathering all of the necessary information, the advocate will send the request to the State of Indiana Violent Crime Compensation Division.

ADVOCACY

Definition:

Efforts are focused on ensuring the most appropriate action by the police departments and cooperating with other criminal justice agencies to obtain justice.

When the advocate is aware of additional reports involving the defendant that has charges against him or her, a copy is made and sent to the prosecutor for possible bond revocation and additional charges. When the advocate is aware of additional reports involving a suspect who is on probation, a copy of the report is made and sent to the probation office. When the advocate is aware a detective is investigating a case and discovers additional reports, a copy is made and provided to

the detective. When advocates become aware that Child Protective Services is investigating a family and additional reports exist, copies are made and sent. Copies are sent even when the reports are not of child abuse or neglect.

Occasionally, there are false police reports. When this is identified, the advocate has a discussion with the reporting party to determine the underlying problem and makes appropriate referrals. The advocate may discuss with the police officer or the prosecutor the possibility of filing criminal charges for false informing.

TRANSPORTATION

Advocates may provide transportation for clients to the shelter, the courthouse, the police station, the hospital, and to their homes, as needed. Two cars are provided by the police department for the purpose. These should be used to transport the clients.

SUPERVISION OF CHILDREN

Occasionally, advocates are requested to supervise the children of victims and offenders while they are being interviewed at the police station. A supply of toys and activities should be kept for the purpose of entertaining the child. If the child needs long term care, a family member would be called. If no family member is

available, Child Protective Services would be notified to come and take control of the child.

ACCOMPANIMENT

Advocates in the prosecutor's office provide assistance for victims in the court room. However, Anderson Police Department advocates may attend if requested by the victim or if the prosecutor's victim advocates are not available.

COMMUNITY

EDUCATION

PUBLIC SPEAKING

The advocates are available for public speaking engagements upon request from churches, civic organizations, high schools and college classes and professional organizations.

ANDERSON POLICE DEPARTMENT SPONSORED EDUCATION

The advocates are available to provide a presentation for the Citizen's Academy. In this presentation, there may be a discussion of the the use of advocates. Also may also be a discussion of the ACCIST team. This team is the team that responds to the emergency workers who have been involved a crisis situation.

MAYOR'S COMMISSION ON DOMESTIC VIOLENCE

The advocates support programs to promote public awareness through the Mayor's Commission. The Commission is divided into committees. The supervisor of this program is a member of the Justice Committee. As part of this committee, the supervisor is involved in public awareness activities.

MEDICAL PERSONNEL EDUCATION

The advocates provide a opportunities for medical personnel for the surrounding area hospitals to shadow them during the course of a day. The

advocates have also spoken to the Madison County Medical Association.

VICTIM'S RIGHTS WEEK

The advocates will collaborate with other agencies to plan events during Victim's Rights Week to increase public awareness. The advocates will be involved with the annual candlelight vigil.

APPENDIX

A

PROTECTIVE ORDER INFORMATION

Note the following if you elect to file a protective order without the advice of an attorney:

1. The Court Administrator's office, Clerk's office nor the Court may provide legal advice.
2. The Madison County judges may deny your motion for a protective order.
3. Follow the Indiana Rules of Trial Procedure (Indiana Supreme Court) and the Local Court Rules (Madison County).
4. Conduct research, if required, in the law library located on the fourth floor (Room 409) of the Government Center of the public libraries located throughout the county.
5. Pay the \$35.00 initial filing fee, if required, by cash or money order. If you pay the filing fee and your petition is not granted, your filing fee will not be refunded.
6. Ensure each pleading and proposed order contains each party's correct address and the petitioner's telephone number.

PROTECTIVE ORDER INSTRUCTIONS

1. Fill out the proper forms.

If filing PRO SE PETITION FOR LEAVE TO PROCEED AS AN INDIGENT PERSON, take the paperwork to one of the Court offices (Circuit-Rm. 408; Superior 1 - Rm. 402; Superior 2 - Rm. 407; Superior 3 - Rm. 409; County 1 - Rm. 304; or County 2 - Rm. 304) and obtain a Judge's signature approving the request on the Order Regarding Filing Fees.

2. Take your paperwork to the Clerk's office on the 2nd floor (Rm. 213) and have a cause number assigned.
3. Obtain a Judge's signature on the Emergency Protective Order Pending Hearing form.
4. Submit the signed documents to the Clerk's office on the 2nd floor (Rm. 213) and obtain a date for the final hearing.

NOTE: PETITIONER/PLAINTIFF MAY BE LIABLE FOR COURT COSTS IF THE CAUSE IS DROPPED OR DISMISSED. FAILURE TO APPEAR BY PETITIONER/PLAINTIFF-MAY RESULT IN ASSESSMENT OF COURT COSTS AGAINST THE PETITIONER.